

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TONY RAPATZ, ALICE GUERRA, and  
KATHERINE GUERRA,**

**Plaintiffs,**

**v.**

**No. 12-cv-0827 JCH/SMV**

**JOE MARTINEZ, CHRISTIAN LOPEZ,  
ROBERT VIGIL, DANNY PACHECO,  
CITY OF ESPAÑOLA EMPLOYEES AND  
SUPERVISORS JOHN/JANE DOES, and  
CITY OF ESPAÑOLA,**

**Defendants.<sup>1</sup>**

**INTERIM RULING ON PLAINTIFFS' FIRST MOTION TO COMPEL  
DIRECTED TO DEFENDANT CITY OF ESPAÑOLA [DOC. 156]  
WITH RESPECT TO REQUEST FOR PRODUCTION NO. 20**

THIS MATTER is before the Court on Plaintiffs' First Motion to Compel Directed to Defendant City of Española [Doc. 156] ("Motion to Compel Directed to the City"), filed on February 9, 2015. Defendants responded on February 23, 2015. [Doc. 160]. Plaintiffs replied on February 24, 2015. [Doc. 161]. The Court heard oral argument on March 31, 2015. *See* Clerk's Minutes [Doc. 168]. Plaintiffs request, inter alia, that the Court compel a response to Request for Production No. 20 ("RFP No. 20").<sup>2</sup> [Doc. 156] at 14. RFP No. 20 seeks production of "[a] copy of the Confidential Informant Report for the individual informant referred to as 'IT' in the May 11, 2010 Affidavit for Search Warrant . . . ." [Doc. 156-3] at 6. The Court is familiar with the briefing, oral argument, and relevant law and is otherwise fully advised in the premises.

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<sup>1</sup> Defendants Joe Martinez and Christian Lopez were dismissed as parties on September 30, 2014. [Doc. 135].

<sup>2</sup> While Plaintiffs' Motion to Compel No. 1 contained various requests, this Order concerns only RFP No. 20.

For the reasons stated on the record, the Court will reserve ruling on Plaintiffs' Motion to Compel Directed to the City [Doc. 156] with respect to RFP No. 20 as further described herein.

No later than **April 23, 2015**, Defendants shall produce the complete, original file pertaining to the confidential informant at the chambers of the Honorable Stephan M. Vidmar, United States Magistrate Judge, for an in camera review. The Court will issue a ruling on Plaintiff's Motion to Compel Directed to the City [Doc. 156] with respect to RFP No. 20 following review of the confidential informant file. If Defendants wish to hand-deliver the confidential informant file and wait while the Court reviews it, counsel should call chambers at **(575) 528-1480** to schedule a time.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendants produce a complete, original file pertaining to the confidential informant to the Court by **April 23, 2015**. The Court reserves ruling on Plaintiffs' Motion to Compel Directed to the City [Doc. 156] as to RFP No. 20 at this time.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**